

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MONROE MERRITT,)	
)	2:07cv1681
Plaintiff,)	Electronic Filing
)	
v.)	Judge Cercone
)	Magistrate Judge Bissoon
ALAN B. FOGEL, <i>et al.</i> ,)	In re: Docs. 84 and 88
)	
Defendants.)	

MEMORANDUM ORDER

Monroe Merritt's civil rights complaint pursuant to 42 U.S.C. §1983 was filed on December 10, 2007, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules for Magistrates. The matter was later assigned to Magistrate Judge Cathy Bissoon.

The Magistrate Judge's Report, filed on July 23, 2010, recommended that the Defendants' Motions to Dismiss (Docs. 84 and 88) be granted in part and denied in part. A copy of the Report and Recommendation was served on Plaintiff by First Class United States Mail to SCI Smithfield, his place of incarceration. The parties were allowed until August 6, 2010, to file objections. No objections have been filed.

After de novo review of the pleadings and documents in the case, together with the Report and Recommendation, the following ORDER is entered:

AND NOW, this 31st day of August, 2010,

IT IS HEREBY ORDERED that the Defendants' Motions to Dismiss (Docs. 84 and 88) are GRANTED IN PART AND DENIED IN PART. Plaintiff's state law claim for medical

negligence is DISMISSED. Likewise, Defendant Department of Corrections Bureau of Health Services is DISMISSED from this case. The Report and Recommendation of Magistrate Judge Bissoon (Doc. 100) dated July 23, 2010, is adopted as the opinion of the court.



David Stewart Cercone
United States District Judge

cc: Honorable Cathy Bissoon

Monroe Merritt
AY4389
SCI Smithfield
PO Box 999
1120 Pike Street
Huntingdon, PA 16652

Douglas B. Barbour, Esquire
Mariah Passarelli, Esquire
Office of Attorney General
Manor Complex, 6th Floor
564 Forbes Avenue
Pittsburgh, PA 15219

Kathryn M. Kenyon, Esquire
P. Brennan Hart, Esquire
Pietragallo Gordon Alfano Bosick & Raspanti LLP
One Oxford Centre, 38th Floor
301 Grant Street
Pittsburgh, PA 15219